

No. 9/6/86-6Lab./6179.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workman and the management of M/s. (i) Haryana State Small Industries and Export Corporation, Chandigarh; (ii) G. M., State Small Industries and Export Corporation, Panipat:—

IN THE COURT OF SHRI V.P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT, AMBALA
Ref. No. 39 of 1986

SHRI VIJINDER CHAND WORKMAN AND THE MANAGEMENT OF MESSRS HARYANA
STATE SMALL INDUSTRIES AND EXPORT CORPORATION, CHANDIGARH;
(II) G. M., STATE SMALL INDUSTRIES AND EXPORT CORPORATION,
PANIPAT

Presents.—

None, for workman.

Shri Vinod Kumar, for respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947 referred dispute between Shri Vijinder Chand c/o Industrial Workers Union, Back Naval Cinema, Panipat and Messrs Haryana State Small Industries and Export Corporation, Chandigarh to this Court. The terms of the reference are as under:—

“Whether termination of services of Shri Vijinder Chand is justified and correct; if not, to what relief is he entitled?”

Workman Vijinder Chand alleged that he has been serving the respondent-management since 17th October, 1993. His services were terminated on 24th May, 1985 without any cause, notice and without making payment of retrenchment compensation. So he prayed for his reinstatement with continuity in service and with full back wages.

Respondent-management appeared made prayer for seeking adjournment for preparing the written statement. Shri Vinod Kumar attended this court but neither workman nor his A. R. appeared, so reference is dismissed in default.

Dated the 14th June, 1986.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

Endst. No. 1886, dated the 19th June, 1986.

Forwarded (four copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of Industrial Disputes Act, 1947.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala City.

No. 9/8/86-6Lab./6180.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workman and the management of M/s Bombay Metal Industries/Works, Durga Garden, Jagadhri:—

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR
COURT, AMBALA

Ref. No. 119 of 1985

SHRI GIAN CHAND, WORKMAN AND THE MANAGEMENT OF MESSRS BOMBAY
METAL INDUSTRIES/WORKS, DURGA GARDEN, JAGADHRI

Present :

None for workman.

None for respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of powers conferred,—*vide* clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947, referred dispute between Shri Gian Chand c/o Dr. Surinder Kumar Sharma, INTUC office, Railway Road, Jagadhri and Messrs Bombay Metal Industries/Works, Durga Garden, Jagadhri to this court. The terms of the reference are as under :—

“Whether termination of services of Shri Gian Chand, is justified and correct; if not, to what relief is he entitled ?”

Workman, through his demand notice alleged that he was employed as a Buffman for the last two years in the respondent-management. His services were terminated on 26th August, 1984 in utter violation of section 25 (F) of Industrial Disputes Act, 1947. He prayed for his reinstatement with continuity of service and with full back wages.

Notice of this reference was served upon the respondent-management. It contested the dispute and contended that the workman was never employed with the respondent-management on any job. It was also denied that he ever worked for two years with the management, so question of terminating his services does not arise. Management filed comments before the Conciliation Officer, Yamuna Nagar. It was further contended that the respondent factory has since been closed from May, 1984. The part of machinery has also been sold and remaining machinery is made available for sale.

On the pleadings of the parties issues were framed. Thereafter the case was posted for recording management evidence. Today neither workman nor his A. R. appeared, so the reference is dismissed in default.

V.P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

Dated the 18th June, 1986.

Endst. No. 1730, dated the 19th June, 1986.

Forwarded (four copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V.P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

No. 9/6/86-6 Lab./6182.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala in respect of the dispute between the workman and the management of M/s Markanda Vanaspati Mills Ltd., G. T. Road, Shahabad Markanda, District Kurukshetra :—

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT, AMBALA

Ref. No. 127 of 1985.

SHRI LEKH RAJ, WORKMAN AND THE MANAGEMENT OF MESSRS MARKANDA VANASPATI MILLS LTD., G. T. ROAD, SHAHABAD MARKANDA, DISTRICT KURUKSHETRA

Present:—

None for the workman.

Shri S. Kaushal, for the respondent.

AWARD

The Hon'ble Governor of Haryana in exercise of powers conferred,—*vide* clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947, referred dispute between Shri Lekh Raj, Driver c/o General Secretary, Markanda Vanaspati Karamchari Union, H. No. 76, Sikhwa Kila, P. O. Shahabad (Haryana) and Messrs Markanda Vanaspati Mills, Shahabad to this Court. The terms of the reference are as under:—

“Whether termination of services of Shri Lekh Raj, workman, is justified and correct, If not, to what relief is he entitled ?”

Workman through his demand notice alleged that he has been serving the respondent-management. His services were terminated by the management with effect from 17th February, 1985 in violation of section 25 (F) of Industrial Disputes Act, 1947. He prayed that he be reinstated with continuity of service and with full back wages.

Respondent-management contested the reference and contended that the applicant was issued three charge sheets for certain acts of omission and commission and contents of all three charge-sheets are self-explanatory which are dated 3rd November, 1984 and 20th November, 1984. Applicant filed reply of 22nd November, 1984 which were not found satisfactory. Thereafter Shri Madan Mohan was appointed as an Inquiry Officer. Workman took part in the domestic enquiry, he was represented by Shri Ajay Paul, President of Markanda Vanaspati Karamchari Union. Workman availed full opportunity of cross-examining the witnesses and leading the defence evidence. But the Inquiry Officer found the workman guilty. Thereafter he submitted his enquiry report to the management. Thus the management on the basis of the show-cause notice, enquiry finding and keeping in view of the gravity of mis-conduct dismissed applicant from his service. It was prayed that workman is not entitled to reinstatement with continuity in service and with full back wages, as prayed for by him. Workman filed application through which he controverted the allegations of the respondent-management.

On the pleadings of the parties issues were framed. The case was fixed for management evidence which was concluded. Later on the case was posted for recording evidence of the workman. But neither workman nor his A. R. appeared to contest the reference while Shri S. Kaushal represented the management, so the reference is dismissed in default.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

Dated 19th June, 1986.

Endst. No. 1765, dated 20th June, 1986.

Forwarded (Four Copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

No. 9/6/86-6Lab./6183.— In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workman and the management of M/s Markanda Vanaspati Mills Ltd., Shahabad Markanda.

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,
AMBALA

Ref. No. 40 of 1986

SHRI BALDEV RAJ, WORKMAN AND THE MANAGEMENT OF MESSRS MARKANDA
VANASPATI MILLS LTD., SHAHABAD MARKANDA

Present.—

None, for the workman.

Shri S. Kaushal, for the respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of powers conferred,— vide clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred dispute between Shri Baldev Raj c/o Shri Madhu Sudan Saran Cowshish, Lathmaran Street, Jagadhri and Messrs Markanda Vanaspati Mill Ltd., Shahabad Markanda to this court. The terms of the reference are as under :—

“Whether the termination of services of Shri Baldev Raj is justified and correct; if not, to what relief is he entitled ?”

Workman through his demand notice alleged that he has been employed as a permanent workman in the respondent-management for the last number of years. His services were terminated on 4th October, 1985 without any notice or without making payment of any retrenchment compensation. He prayed that his termination is violative to section 25 (F) of Industrial Disputes Act, 1947. So he prayed for his reinstatement with continuity in service and with full back wages.

Respondent-management appeared, contested the reference and contended that reference is bad in law as such it is not maintainable. Workman of his own abandoned the employment of the management so he is not entitled to reinstatement as prayed for. It was further contended that applicant last worth up to 19th May, 1985 that starting absent himself from duty with effect from 20th May, 1985 of his own. Accordingly, registered letters were written to him on 25th September, 1985 and 28th September, 1985,—vide these letters workman was directed to report on duty but he failed to do so, which resulted in the termination of the services of the workman on account of his absence.

Case was posted for filing replication and construction of issues. But neither workman nor his A. R. appeared while the management was represented by Shri S. Kaushal. So the reference is dismissed in default.

V. P. CHAUDHARY,

Dated, the 19th June, 1986.

Presiding Officer,
Labour Court, Ambala.

Endst. No. 1766, dated 20th June, 1986.

Forwarded (four copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

No. 9/6/86-6Lab./6184.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workman and the management of M/s Markanda Vanaspati Mills Ltd., Shahabad Markanda (Kurukshetra) :—

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,
AMBALA

Reference No. 275 of 1985

between

SHRI NARPAT SINGH, WORKMAN AND THE MANAGEMENT OF THE
MESGRS MARKANDA VANSPATI MILLS LTD., SHAHABAD
MARKANDA (KURUKSHETRA)

Present :—

None for workman.

Shri S. Kaushal for respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of its powers conferred,—vide clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947, referred dispute between Shri Narpat Singh C/o Shri Ajay Paul Singh, Sewa Gram Asharam, Vill. & P.O. Rattangarh (Kurukshetra) and Messrs Markanda Vanaspati Mills Ltd., Shahabad Markanda to this court. The terms of the reference are as under :—

“Whether the termination of services of Shri Narpat Singh was justified and correct ?
If not, to what relief is he entitled ?”

Narpat Singh through his statement of claim alleged that he had been working in the respondent factory on permanent basis, since long. His services were terminated on 1st February, 1985 in violation of section 25 (F) of Industrial Disputes Act, 1947. He has prayed for his reinstatement with continuity in service and with full back wages.

Respondent-management contested the dispute and contended that reference is bad in law and is not competent, hence it is not maintainable. It was further contended that there is no termination in this case because the applicant himself submitted his resignation which was accepted and applicant was relieved from duty. He was paid his dues amounting to Rs. 1,853.25 in full and final settlement. It was further contended that the background of the resignation of the workman was that he was caught red handed, while stealing certain articles of the management. On that account charge-sheet was issued to him and his statement was recorded on 31st March, 1985. Workman avoided to face the enquiry and submitted his resignation on that account his resignation was accepted.

Workman filed replication through which he contended that he never indulged in any stealing of any articles, nor he was ever caught red handed but in fact the management had procured his signatures and thumb-impression on certain blank papers which were used as a resignation of the workman.

On the pleading of the parties, issues were framed. Case was posted for workman's evidence. Today neither workman nor his A.R. appeared, so the reference is dismissed in default.

Dated, the 19th June, 1986.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

Endst. No. 1767, dated 20th June, 1986.

Forwarded (four copies) to the Financial Commissioner & Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

No. 9/6/86-6Lab./6185.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workman and the management of M/s Markanda Vansapati Mills Ltd., Shahabad Markanda :—

IN THE COURT OF SHRI V.P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT, AMBALA

Reference No. 135 of 1985

SHR BHUP CHAND, WORKMAN AND THE MANAGEMENT OF THE MESSERS MARKANDA VANSPATI MILLS LTD., SHAHABAD MARKANDA

Present :—

None for workman.

Shri S. Kaushal for respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of powers conferred,—vide clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947 referred dispute between Shri Bhup Chand, son of Shri Ajay Pal Singh, Sewa Gram Asharam, Rattangarh, Shahabad Markanda, District Kurukshetra and the Messrs Markanda Vansapati Mills Ltd., Shahbad Markanda to this Court. The terms of the reference are as under:—

"Whether termination of services of Shri Bhup Chand, workman, is justified and correct? If not, to what relief is he entitled?"

Workman through his statement of claim alleged that he had been employed as Cleaner in the employment of respondent-management for the last 2½ years. His services were illegally terminated without any notice charge or without making payment of any retrenchment compensation. On 27th December, 1984 he prayed that he be got reinstated with continuity of service and with full back wages.

Respondent-management contested the claim and contended that reference is bad in law and is not competent. Workman abandoned his service, so his case is not covered under section 2-A of the Industrial Disputes Act. It was further contended that on 10th December, 1984, workman left his leave application with watchman and proceeded on leave without getting his leave sanctioned. Which was considered and thereafter it was rejected by the management keeping in view of the desirable conduct of the workman. Thereafter, he had been extending leave without medical certificate from any Government Dispensary. He was directed to get himself medically examined from the company Dr. practising at Shahbad. But he did not care for it. Ultimately the management terminated services of workman on account of absence from duty without leave.

Workman filed replication controverted the allegations of the management.

On the pleadings of the parties, issues were framed. When the case was fixed for management evidence, it moved an application for changing onus of issue No. 1. copy of same was given to workman. The case was posted for filing reply of this application. Three adjournments were granted but no reply was filed. Today the case was again fixed for filing reply of the application as well as its consideration, but neither workman nor his A. R. appeared, while management was represented by Shri S. Kaushal, so reference is dismissed in default.

V. P. CHAUDHARY,

Dated, the 19th June, 1986.

Presiding Officer,
Labour Court, Ambala.

Endst. No. 1768, dated the 20th June, 1985.

Forwarded (four copies), to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

No. 9/8/86 6Lab/6296.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s. M. G. Sahni, 12/1, Mathura Road, Faridabad :—

IN THE COURT OF SHRI A. S. CHALIA, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 226 of 1985
between

SHRIMATI SUGI DEVI, WORKMAN AND THE RESPONDENT-MANAGEMENT OF
MESSRS M. G. SAHNI, 12/1, MATHURA ROAD, FARIDABAD

Present :—

Shrimati Sugi Devi, lady workman in person with Shri R. L. Sharma,

Shri Jagbir Bhadana, for respondent-management.

AWARD

This reference under section 10(i)(c) of the Industrial Disputes Act, 1947, (Act No. 14 of 1947) as amended from time to time and latest by Act No. 49 of 1984 (hereinafter referred as the said Act) has been made to this Court by the State of Haryana (Department of Labour),—*vide* its endorsement